

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES Plaintiff)	
)	
)	
v.)	DOCKET NO.: 04 CR 10364 NMG
)	
SHAWN WINBUSH Defendant.)	
)	

**AFFIDAVIT OF ATTORNEY LAWRENCE P. NOVAK IN SUPPORT OF
DEFENDANT'S MOTION FOR PSYCHIATRIC EVALUATION**

I, Lawrence P. Novak, do state that the following is a true and accurate statement of fact:

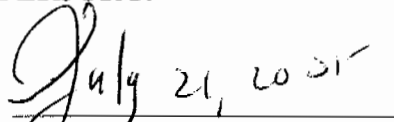
1. My name is Lawrence P. Novak. I am an attorney licensed to practice law in the Commonwealth of Massachusetts.
2. I represent the defendant, Shawn Winbush.
3. Shawn Winbush has a history of mental illness.
4. Due to Mr. Winbush's mental illness, I do not believe he understood that by pleading guilty he was waiving his right to a trial at which he could be acquitted unless the prosecutor proved his guilt beyond a reasonable doubt.
5. Due to Mr. Winbush's mental illness, I do not believe he understood that by pleading guilty he was giving up his right to have his attorney cross-examine the Commonwealth's witness, in addition to his giving up his right to remain silent without it being held against him.
6. I do not believe that Mr. Winbush would be able to understand any explanation by a sentencing judge as to what rights he was giving up, and therefore, a sentencing judge would be unable to correctly and accurately state that Mr. Winbush understood said instructions.

7. Without a psychiatric evaluation of Mr. Winbush, I believe that the Court will be sentencing a defendant who is not capable of understanding the consequences of his actions.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.



Lawrence P. Novak



Date